

**Murtagh Municipal
Engineering, Inc.**

208 N 29th St., Suite 223, Billings, MT 59101

406 294 5088 (office)

December 1, 2015

RECEIVED

DEC 07 2015

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

Montana Environmental Quality Council
PO Box 201704
Helena, MT 59620-1212

RE: Bainville, MT Water Distribution System Improvements; Township 28N, Range 58E, Section 34

Dear Reviewer,

Following completion of the FONSI we are now publishing the Notice of Intent to Request a Release of Funds. The FONSI was completed following an extensive cultural resources survey.

Please advise if you have any comments pertaining to the attached NOI RROF, or the FONSI published earlier.

Sincerely,



Patrick Murtagh, PE

Encl. FONSI
 Affidavit of Publication for the FONSI
 Current NOI RROF

FINDING OF NO SIGNIFICANT IMPACT

Date of Publication of Notice: August 13, 2015

Town of Bainville

City, Town or County

P.O. Box 92

Mailing Address

Bainville, Montana 59212

City, State, Zip Code

(406) 769-2621

Telephone

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

The above-named Town is certifying a Finding of No Significant Impact for the following project:

CDBG Project Title or Name: Bainville Water System Improvements

Location of CDBG Project: Town of Bainville, Roosevelt County, Montana

Project Summary:

The community of Bainville through its Preliminary Engineering Report (PER) for the Town of Bainville has identified the need to improve and expand portions of its water distribution system. The Town of Bainville currently has inadequate water pressure in higher areas of Town and very low fireflows at key areas of Town, including the school and housing surrounding the school. In addition Bainville's population has grown significantly since the Bakken Oil Boom there current water storage amount is insufficient to meet DEQ-Circular 1 standards for minimum required water storage. In addition the existing storage tank is over 100 years old.

Finding of No Significant Impact

It has been determined that the project, as described above, will not constitute an action significantly affecting the quality of the human environment and, accordingly, the above-named Town has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (PL 91-190).

The reasons for the decision not to prepare such Statement are as follows:

The project will provide improvements to the human population by providing additional fire flow, water storage and water pressure throughout Town.

Environmentally sensitive characteristics such as wetlands floodplains and threatened or endangered species are not expected to be adversely impacted as a result of the proposed project. No significant negative long-term environmental impacts were identified.


An Environmental Review Record documenting review of all project activities in respect to impacts on the environment has been made by the above-named *Town*. This Environmental Review Record is on file at the above address and is available for public examination and copying upon request between the hours of 9:00 AM and 4:00 PM.

No further environmental review of such project is proposed to be conducted prior to the request for release of project funds. The project may be funded with [Home Investment Partnerships (HOME) funds under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990 AND/OR the Community Development Block Grant (CDBG) funds under the Federal Housing and Community Development Act of 1974]. The above-named *Town* will notify the public at a later date when it intends to request release of the aforementioned funds.

Public Comments on Findings

All interested agencies, groups and persons wishing to comment on this decision are invited to submit written comments for consideration by the *Town* to the Town Offices located at 9 Flynn Ave., Bainville, Montana on or before Monday, August 27th, 2015 *to be considered by the Town in making this Finding of No Significant Impact.*

After the notification of the intent to request release of funds process is complete, the Town intends to undertake the project described above. The Town is certifying to DOC that Dennis Portra, in his official capacity as Mayor consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making, and action; and that these responsibilities have been satisfied.



Environmental Certifying Officer and Mayor

8/10/15
Date

9 Flynn Ave.

Street Address

Bainville, MT 59212

City, County, State, Zip Code

Affidavit of Publication

STATE OF MONTANA, } ss.
County of Roosevelt.

Katelynn Smith, being duly sworn, upon oath says: That she is Principle Clerk of the Searchlight, a newspaper of general circulation published weekly at Culbertson, in the County of Roosevelt, State of Montana; That the notice hereunto attached and entitled Finding of No Significant Impact was published in said newspaper, The Searchlight, once each week for 1 successive weeks as follows:

The first publication of said notice was on the 20 day of August, 2015;

The second publication was on the _____ day of _____;

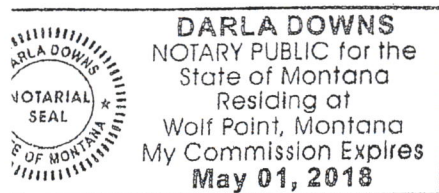
The third publication was on the _____ day of _____;

The last publication of said notice was on the _____ day of _____;

That the said notice was published in the regular and entire issue of every number of the said newspaper, The Searchlight, during the period and time of said publication, and in the newspaper proper and not in a supplement.

Katelynn Smith

Sworn to subscribed before me this 20 day of August, 2015



Darla Downs

Notary Public for the State of Montana,
Residing at Wolf Point, Montana

My Commission Expires _____

Cost of Publication: 60 Folios 1 Publications \$ 7200
Attorney for Plaintiff: _____

FINDING OF NO
SIGNIFICANT IMPACT
Date of Publication of Notice:
August 20, 2015
Town of Bainville
City, Town or County
P.O. Box 92
Mailing Address
Bainville, Montana 59212
(406) 769-2621
TO ALL INTERESTED
AGENCIES, GROUPS AND
PERSONS:

The above-named Town is certifying a Finding of No Significant Impact for the following project:

CDBG-Project Title or Name:
Bainville Water System Improvements

Location of CDBG Project:
Town of Bainville, Roosevelt County, Montana

Project Summary:

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An Environmental Review Record documenting review of all project activities in respect to impacts on the environment has been made by the above-named Town. This Environmental Review Record is on file at the above address and is available for public examination and copying upon request between the hours of 9:00 a.m. and 4:00 p.m.

No further environmental re-

quest for release of project funds. The project may be funded with [Home Investment Partnerships (HOME) funds under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990 AND/OR the Community Development Block Grant (CDBG) funds under the Federal Housing and Community Development Act of 1974]. The above-named Town will notify the public at a later date where it intends to request release of the aforementioned funds.

Public Comments on Findings

All interested agencies, groups and persons wishing to comment on this decision are invited to submit written comments for consideration by the Town to the Town Offices located at 9 Flynn Ave., Bainville, Montana on or before Friday, September 4th, 2015 to be considered by the Town in making this Finding of No Significant Impact.

After the notification of the intent to request release of funds process is complete, the Town intends to undertake the project described above. The Town is certifying to DOC that Dennis Portra, in his official capacity as Mayor consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making, and action; and that these responsibilities have been satisfied.

Dennis Portra

Environmental Certifying

Officer and Mayor

Date 8/10/2015

9 Flynn Ave.

Street Address

Bainville, MT 59212

City, County, State, Zip Code

CS: 8-20, 2015

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI/RROF)

December 3, 2015

Town of Bainville
209 Clark Ave
Bainville, MT 59212

(406) 769-2621

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or about *December 12, 2015*, the above-named Town will request the Montana Department of Commerce to release funds under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, for projects funded by the HOME Investment Partnership (HOME) program AND/OR under Title I of the Housing and Community Development Act of 1974, as amended, for projects funded by the Community Development Block Grant (CDBG) program for the following project:

Bainville Water System Improvements for the construction of a new water storage tank and water distribution lines

LOCATION: *Bainville, Roosevelt County, Montana*

ESTIMATED COST OF PROJECT: *\$2.2M*

An Environmental Review Record documenting review of all project activities in respect to impacts on the environment has been made by the above-named Town. This Environmental Review Record is on file at the above address and is available for public examination or copying, upon request.

The Town of Bainville will undertake the project described above with Community Development Block Grant funds and/or HOME Investment Partnership funds provided by the Montana Department of Commerce. The Town of Bainville is certifying to the Department of Commerce that the Town of Bainville and Mayor Dennis Portras, in his official capacity as the Environmental Certifying Officer, consent to accept the jurisdiction of the federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making, and action; and that these responsibilities have been satisfied. The legal effect on the certification is that upon its approval, the Town may use the HOME and/or CDBG funds, and the Department of Commerce will have satisfied its responsibilities under the National Environmental Policy Act of 1969 as delegated to the State of Montana through the 1981 Amendments to the Housing and Community Development Act.

The Department of Commerce will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases:

- (a) The certification was not in fact executed by the responsible entity's Certifying Officer.
- (b) The responsible entity has failed to make one of the two findings pursuant to §58.40 or to make the written determination required by § 58.35, 58.47 or §58.53 for the project, as applicable.
- (c) The Responsible Entity has omitted one or more of the steps set forth at 24 CFR Part 58 subpart E of this part for the preparation, publication and completion of the EA.

(d) The responsible entity has omitted one or more of the steps set forth at 24 CFR Part 58 subparts F and G of this part for the conduct, preparation, publication and completion of an EIS.

(e) The recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by this part before release of funds and approval of the environmental certification by the Department of Commerce.

(f) Federal agency acting pursuant to 40 CFR part 1504 has submitted a written finding that that project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and may be addressed to the CDBG Program, Department of Commerce, Community Development Division, P.O. Box 200523, 301 S. Park Avenue, Helena, Montana 59620.

Objections to the release of funds on bases other than those stated above will not be considered by the Department of Commerce. No objection received after *December 10, 2015* will be considered by the Department of Commerce.

Mayor Dennis Portras
Town of Bainville
209 Clark Ave
Bainville, MT 59212